

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

YADIRA NIEVES FRAUSTO,)
et al.)
) NO. 3-12-0761
v.) JUDGE CAMPBELL
)
COOPER TIRE & RUBBER CO.)

ORDER

Based upon the joint agreement of the parties, the Report and Recommendation of the Magistrate Judge (Docket No. 77) is adopted and approved. The jury trial of this action, currently set for January 28, 2014, is CONTINUED until September 9, 2014, beginning at 9:00 a.m. The pretrial conference, currently set for January 17, 2014, is CONTINUED until August 29, 2014, at 10:30 a.m. All lawyers who will participate in the trial must attend the pretrial conference.

Pretrial Filing Deadlines

Counsel shall submit a Joint Proposed Pretrial Order to the Court by August 22, 2014. The Pretrial Order shall contain: (1) a recitation that the pleadings are amended to conform to the Pretrial Order and that the Pretrial Order supplants the pleadings; (2) a statement of the basis for jurisdiction in this Court; (3) a short summary of the Plaintiff's theory (no more than one page); (4) a short summary of the Defendant's theory (no more than one page); (5) a statement of the issues, including a designation of which issues are for the jury and which are for the Court; (6) a succinct statement of the relief sought; (7) a summary of any anticipated evidentiary disputes; and (8) an estimate of the anticipated length of the trial.

The parties shall also submit to the Court, by August 22, 2014, the following:

(1) joint proposed jury instructions and verdict forms as follows: Counsel shall exchange proposed jury instructions on the substantive law of this specific case and proposed verdict forms

and confer to reach agreement. Thereafter, counsel shall jointly prepare and file a set of agreed, proposed, case specific, jury instructions and verdict forms. Each proposed jury instruction shall include citations to supporting authorities. Counsel shall separately file any disputed jury instructions or verdict forms.

(2) witness lists, except for witnesses solely for impeachment in accordance with Fed. R. Civ. P. 26(a)(3);

(3) exhibit lists, except for documents solely for impeachment in accordance with Fed. R. Civ. P. 26(a)(3); and

(4) any stipulations.

Motions in Limine and Objections to Experts

By August 15, 2014, the parties shall file any motions in limine and any motions objecting to expert testimony. Any responses to such motions shall be filed by August 22, 2014.

Discovery

Expert witness disclosures shall be made timely, in accordance with Local Rule 39.01(c)(6)d. Supplemental responses to interrogatories, requests for production and requests for admissions shall be made timely in accordance with Local Rules 33.01(c), 34.01 and 36.01. Objections to the use of a deposition at trial shall be made timely in accordance with Local Rules 32.01(b) and 39.01(d)(1). The Court may exclude evidence, or order other sanctions, for violation of a duty or deadline to make or supplement expert witness disclosures or discovery responses.

Pretrial Conference

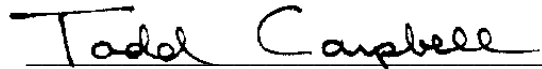
Counsel shall be prepared, at the Pretrial Conference, to:

(1) identify and discuss undisputed facts and issues;

- (2) discuss the status of discovery;
- (3) preview proposed testimony;
- (4) discuss expert testimony;
- (5) preview proposed exhibits;
- (6) discuss motions in limine;
- (7) discuss proposed jury instructions and verdict forms;
- (8) discuss settlement; and
- (9) discuss pretrial briefs.

Pending before the Court are four Motions for Summary Judgment (Docket Nos. 47, 51, 52 and 53). The Motions are DENIED, without prejudice to being re-filed once discovery is complete. Should the parties choose to re-file dispositive Motions, they may refer to the Exhibits previously filed (because they are so voluminous) so long as all references are clear and specific.

IT IS SO ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE